

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

**GLOBAL SESSIONS LP and GLOBAL
SESSIONS HOLDINGS SRL,**

Plaintiffs,

vs.

**TD BANK GROUP, TORONTO
DOMINION BANK, TD BANK US
HOLDING COMPANY, AND TD BANK,
N.A.,**

Defendants.

Civil Action No. 1:13cv692

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Global Sessions LP and Global Sessions Holdings SRL (“Global Sessions” or “Plaintiff”) file this Complaint for patent infringement against Defendants TD Bank Group, Toronto Dominion Bank, TD Bank US Holding Company, and TD Bank, N.A. (“Defendants”).

Plaintiff alleges:

THE PARTIES

1. Plaintiff Global Sessions LP is a Texas Limited Partnership, with its principal place of business in Austin, Texas. Plaintiff Global Sessions Holdings SRL is a Barbados society of limited liability company with its principal place of business in Austin, Texas.

2. Defendant TD Bank Group is a Canadian corporation with its principal place of business at TD Tower, 15th Floor, 66 Wellington Street West, Toronto, ON M5K 1A2 Canada.

3. Defendant Toronto-Dominion Bank of Toronto, Canada, is a Canadian corporation with its principal place of business in Toronto, Canada.

4. Defendant TD Bank US Holding Company is a Delaware corporation with its principal place of business at One Portland Square, Portland, Maine, 04112.

5. Defendant TD Bank, N.A. is a member of TD Bank Group and a subsidiary of Toronto-Dominion Bank with dual headquarters at Two Portland Square, Portland, Maine, 04112, and 1701 Route 70 East, Cherry Hill, New Jersey, 08034.

JURISDICTION AND VENUE

6. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)–(c) and 1400(b) because this Court has personal jurisdiction over Defendants, and Global Sessions has its principal place of business in this District.

8. Defendants have done business in this District, have committed acts of infringement in this District, and continue to commit acts of infringement in this District, entitling Plaintiffs to relief.

BACKGROUND

9. United States Patent No. 6,076,108 (“the ’108 patent”), entitled “System And Method For Maintaining A State For A User Session Using A Web System Having A Global Session Server,” was duly and legally issued by the United States Patent and Trademark Office on June 13, 2000, after full and fair examination. A copy of the ’108 Patent is attached as Exhibit A.

10. United States Patent No. 6,480,894 (“the ’894 patent”), entitled “System And Method For Maintaining A State For A User Session Using A Web System,” was duly and legally issued by the United States Patent and Trademark Office on November 12, 2002, after full and fair examination. A true and correct copy of the ’894 Patent is attached as Exhibit B.

11. Global Sessions Holdings SRL is the owner of the ’108 and ’894 patents.

12. Global Sessions LP has an exclusive license to the ’108 and ’894 patents (“Patents-in-Suit”) that includes, without limitation, the following: (a) all exclusionary rights

under the patents, including, but not limited to, (i) the exclusive right to exclude others from making, using, offering for sale, or selling products embodying the patented inventions throughout the United States or importing such products into the United States, and (ii) the exclusive right to exclude others from using and otherwise practicing methods embodying the patented inventions throughout the United States; and (b) the exclusive right to sue and seek damages for infringement of any of the exclusionary rights identified above.

INFRINGEMENT OF U.S. PATENT 6,480,894

13. Defendants have directly and/or indirectly infringed and continue to directly and/or indirectly infringe one or more claims of the '894 patent in this District or otherwise within the United States by their manufacture, use, sale, importation, licensing and/or offer for sale, without authority: (i) web pages, content, and/or services presented and/or served to users from multiple web engines while maintaining session state, including, without limitation, the web pages, content, and/or services accessible via <https://onlinebanking.tdbank.com> and maintained on servers located in and/or accessible from the United States under the control of Defendants; (ii) software, including, without limitation, software that allows web pages, content, and/or services to be presented and/or served to users from multiple web engines while maintaining session state; (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing; and/or (iv) services storing, updating and/or maintaining information about financial transactions made on Defendants' websites during a session, including, at least, but not limited to transfer of funds between accounts for bill payments on their website at <https://onlinebanking.tdbank.com>, as well as any predecessor products or services of any of the foregoing.

14. Defendants also have infringed and continue to infringe one or more claims of the '894 patent by contributing to and/or actively inducing others to use, sell, import, and/or offer for sale infringing products and/or services. Defendants indirectly infringe one or more claims of the '894 patent by active inducement under 35 U.S.C. § 271(b). Defendants have induced and continue to induce users of the web pages, content, services, software, computer equipment

and/or services identified above to directly infringe one or more claims of the '894 patent. Defendants indirectly infringe one or more claims of the '894 patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, computer equipment, and/or services identified above, Defendants contribute to the direct infringement of users of said web pages, software, computer equipment, and/or services. Defendants are liable for their infringement of the '894 patent pursuant to 35 U.S.C. § 271.

INFRINGEMENT OF U.S. PATENT 6,076,108

15. Defendants have directly and/or indirectly infringed and continue to directly and/or indirectly infringe one or more claims of the '108 patent in this District or otherwise within the United States by their manufacture, use, sale, importation, licensing and/or offer for sale, without authority: (i) web pages, content, and/or services presented and/or served to users from multiple web engines while maintaining session state, including, without limitation, the web pages, content, and/or services accessible via <https://onlinebanking.tdbank.com> and maintained on servers located in and/or accessible from the United States under the control of Defendants; (ii) software, including, without limitation, software that allows web pages, content, and/or services to be presented and/or served to users from multiple web engines while maintaining session state; (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing; and/or (iv) services storing, updating and/or maintaining information about financial transactions made on Defendants' websites during a session, including, at least, but not limited to transfer of funds between accounts for bill payments on their website at <https://onlinebanking.tdbank.com>, as well as any predecessor products or services of any of the foregoing.

16. Defendants also have infringed and continue to infringe one or more claims of the '108 patent by contributing to and/or actively inducing others to use, sell, import, and/or offer for sale infringing products and/or services. Defendants indirectly infringe one or more claims of the '108 patent by active inducement under 35 U.S.C. § 271(b). Defendants have induced and continue to induce users of the web pages, content, services, software, computer equipment

and/or services identified above to directly infringe one or more claims of the '108 patent. Defendants indirectly infringe one or more claims of the '108 patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, computer equipment and/or services identified above, Defendants contribute to the direct infringement of users of said web pages, software, computer equipment, and/or services. Defendants are liable for their infringement of the '108 patent pursuant to 35 U.S.C. § 271.

DAMAGES

17. Defendants' acts of infringement have caused damage to Global Sessions, and Global Sessions is entitled to recover from Defendants the damages it has sustained as a result of Defendants' wrongful acts in an amount subject to proof at trial.

JURY DEMAND

18. Plaintiff demands a trial by jury on all issues.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests entry of judgment in their favor and against Defendants as follows:

- a) Declaring that each Defendant has infringed directly, and/or indirectly, the Patents-in-Suit;
- b) Permanently enjoining each Defendant, and respective officers, agents, employees, and those acting in privity with each Defendant, from further infringement, contributory infringement, and/or inducing infringement of the Patents-in-Suit;
- c) Awarding damages arising out of each Defendant's infringement of the Patents-in-Suit, including enhanced damages, if applicable, pursuant to 35 U.S.C. § 284 together with prejudgment and post-judgment interest, in an amount according to proof;
- d) An award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and
- e) For such other costs and further relief as the Court may deem just and proper.

DATED: August 13, 2013

Respectfully submitted,

By: /s/Brian D. Melton
Brian D. Melton
State Bar No. 24010620
bmelton@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1000 Louisiana Street, Suite 5100
Houston, Texas 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666

Lead Attorney for Plaintiff
Global Sessions LP
Global Sessions Holdings SRL

Max L. Tribble Jr.
State Bar No. 20213950
mtribble@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1000 Louisiana Street, Suite 5100
Houston, Texas 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666

Attorney for Plaintiff
Global Sessions LP